

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
APRIL 27, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Boy Scout Troop #269 led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Councilmembers: Natarajan, Harrison, and Chan.
Absent: Vice Mayor Wieckowski

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved the minutes from the Regular Meetings of January 12, 2010 as amended, January 26, 2010, and February 2, 2010 as amended, and the Special Meeting of February 2, 2010

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

* **2.3 Mayor Wasserman opened consideration of a Second Reading and Adoption of an Uncodified Ordinance of the City of Fremont to Authorize a One-Year Pilot Program for Back-In Angle Vehicle Parking Along Portions of Capitol Avenue**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No 8-2010.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

* **2.4 Mayor Wasserman opened consideration of Approval to Amend the Unisource Janitorial Supply Contract by Increasing both Fiscal Years 2009/10 and 2010/11 up to \$30,000 each**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager, or designee, to amend the Unisource Janitorial Supply Contract by increasing the not to exceed contract value by \$30,000 for both Fiscal Years 2009/10 and 2010/11 subject to City Council appropriation in fiscal year 2010/11.

Ayes: Mayor Wasserman, Councilmembers: Natarajan and
Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: Councilmember Harrison due to a conflict of interest
related to a business relationship with Unisource

* **2.5 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Funds for FY 2010/11 and FY 2011/12, Adoption of a Resolution Approving the FY 2010/11 CDBG Program Final Statement of Community Development Objectives, FY 2010/11 Action Plan and the FY 2010-2014 Strategic Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing on the proposed FY 2010/11 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds.
2. Allocated CDBG funds for FY 2010/11 and FY 2011/12 in the amounts stated herein, contingent upon the respective adoption of the FY 2010/11 and FY 2011/12 budgets by the City Council.
3. Adopted Resolution No. 2010-24 approving, and authorizing the City Manager or his designee to submit, the FY 2010/11 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, the FY 2010-2014 Consolidated Plan , and the CDBG Action Plan as recommended by the Citizens Advisory Committee

and staff in the amounts stated herein; authorizing the City Manager or his designee to execute a FY 2010/11 CDBG funding agreement with HUD; and authorizing the City Manager or his designee to execute agreements, effective July 1, 2010, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period as amended by HUD, and contingent upon adoption of the budget for FY 2010/11 and, if applicable, FY 2011/12.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Adoption of a Resolution Accepting FY 2010/11 Federal Supportive Housing Program (SHP) Renewal Funding for the Homeless Outreach for People Empowerment (HOPE) Project and Authorizing the City Manager to Execute Agreements with HUD and Partner Agencies**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2010-25 accepting FY 2010/11 Federal SHP funding in the amount of \$269,790 and authorizing the City Manager or designee to execute an agreement with the Department of Housing and Urban Development in the amount of \$269,790.
2. Authorized the City Manager or designee to execute agreements with Abode Services in the amount of \$197,550 and Tri-City Health Center in the amount of \$82,597, effective July 1, 2010 through June 30, 2011, as set forth in the staff report and contingent on receipt and appropriation of funding.
3. Authorized the City Manager or designee to transfer SHP funding between Tri-City Health Center and Abode Services in an amount not to exceed 10% of the total SHP supportive service budget, or \$25,694.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Referral from the Human Relations Commission: Adopt a Resolution Approving the Recommendations for FY 2010/11 Human Service Grant Funding and Authorizing the City Manager to Execute Agreements with Non-Profit Agencies**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2010-26:

1. Allocating the FY 2010/11 Human Service Grant funding as recommended by the Human Relations Commission, subject to adoption of the City's FY 2010/11 budget, by the City Council.
2. Authorizing the City Manager or designee to execute agreements with recommended non-profit agencies, effective July 1, 2010 through June 30, 2011, and any other implementing documents, as set forth in the staff report.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of a Referral from the Senior Citizens Commission: Adopt a Resolution Approving the Recommendations for FY 2010/11 Senior Service Grant Funding and Authorizing the City Manager to Execute Agreements with Non-Profit Agencies**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2010-27:

1. Allocating the FY 2010/11 Senior Service Grant funding as recommended by the Senior Citizens Commission, subject to adoption of the FY 2010/11 budget.
2. Authorizing the City Manager or his designee to execute agreements with recommended non-profit agencies, effective July 1, 2010 through June 30, 2011, as well as any implementing documents, as set forth in the staff report.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Honoring Construction Inspector Mike Christianson for 20 Years of Service

3.2 Resolution: Recognizing Linda Randolph for Leading the Effort for the Continued Operation of the Niles Post Office

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Cheryl Besden, Ann Gelles, and Jerry (California School for the Blind) requested changes be made to the traffic signal at the intersection of Walnut and Gallaudet in order to ensure the safety of all pedestrians, particularly those who are blind.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Third Party Appeal of a Planning Commission Decision to Uphold the Zoning Administrator Approval of a Zoning Administrator Permit to Allow a Large Family Day Care Home in an Existing Single-Family Dwelling (Original Zoning Administrator Permit Case No. MIS2010-00304; Appeal Case No. PLN2010-00151)

Project Planner Steve Kowalski provided a report on the project. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Andy Burnelli (appellant) expressed his reasons for upholding the appeal and denying approval of a large family day care. The appellant responded to questions from Councilmembers. Yin Yin Mar (applicant) spoke in support of denying the appeal and granting a permit to allow a large family day care. The applicant responded to questions from Councilmembers. David Wilson, Jenny Wu, Kefei Wang, and Doug Hua spoke in support of upholding the appeal and denying approval of a large family day care. Leta Tabish, Garret Murai, Rosemary Obed (Community Child Care Council of Alameda County), Janice Fonteno, Dr. Janice Jones (Ohlone College), Janet Fitzgerald, Wanda Conner, Rupal Badar, Pam Joy, Tracy Rood, Cynthia Olavarria, Marann Alam, Mira Shah, and Johannes Chan expressed support of denying the appeal and granting a permit to allow a large family day care. Mr. Brunelli provided rebuttal comments. There were no other speakers. Mayor Wasserman closed the public hearing. Another question and answer period followed. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing;
2. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Health and Safety Code Section 1597.46(c) CEQA Guideline 15274;
3. Found the project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives, and policies set forth in the Land Use section of the City's General Plan as enumerated within the staff report; and
4. Denied the appeal and upheld the approval of Zoning Administrator Permit MIS2010-00304 based on the findings and as conditioned by the Zoning Administrator as shown in Exhibit "A".

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

5.2 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Appeal from a Planning Commission Decision to Deny a Conditional Use Permit that would Allow a Portion of an Existing Single-Family Residence to be Used as a Non-Profit Music School with Occasional Concerts and Recitals (PLN2009-00044)

Project Planner Steve Kowalski provided a report on the project. Mayor Wasserman opened the public hearing. Shirley Banda and Jeff Parfreyman spoke in support of denying the conditional use permit. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing; and
- 2a. Upheld the decision of the Planning Commission and denied the appeal of Conditional Use Permit application PLN2009-00044 as shown in Exhibit “A” based on the findings of denial contained in Exhibit “B”; or

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration to Receive Input on Draft Guiding Principles for Future Development of the Warm Springs/South Fremont Area

Planning Director Jeff Schwob provided context of the area and highlighted the proposed 11 Guiding Principles. Mayor Wasserman opened the item for public comment. Hiu Ng expressed support for the Guiding Principles. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment and input to staff on the proposed draft Guiding Principles.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

- 8.1.1 MAYOR WASSERMAN REFERRAL: By consensus of Councilmembers present, Tim Tran was appointed to the Economic Development Advisory Commission with

a term expiring on December 31, 2013 and Susan Anderson was appointed to the George W. Patterson House Advisory Board with a term expiring on December 31, 2013.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:10 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor